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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/548,081	09/06/2005	Junichi Sato	P28440	7635
52123 7590 09/14/2009 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			EXAMINER MIRZA, ADNAN M	
			ART UNIT 2445	PAPER NUMBER
			NOTIFICATION DATE 09/14/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

Office Action Summary	Application No. 10/548,081	Applicant(s) SATO ET AL.	
	Examiner ADNAN MIRZA	Art Unit 2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/24/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al (U.S. 2005/0088972) and further in view of Parkvall et al (U.S. 6,542,736).

As per claims 27,35 Zhang disclosed a method for broadcasting content to a plurality of mobile terminals, the method comprising: storing content, and a plurality of pieces of program configuration information, the program configuration information a screen arrangement of the content (Page. 3, Paragraph. 0040); and broadcasting the content and the plurality of pieces of program configuration information to a plurality of mobile terminals (Page. 2, Paragraph. 0024).

However Zhang did not disclose in detail, “wherein, in the storing, the plurality of pieces of program configuration information are associated with respective transmission bands, so that the plurality of mobile terminal each select one of the plurality of pieces of program configuration information based on a transmission condition”.

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In the same field of endeavor Parkvall disclosed, “The process of modifying one or more signal transmission parameters to compensate for channel quality variations is sometimes referred to as link adaptation”, where “link” refers to radio link between a base station and a mobile terminal. Link adaptation may be accomplished by changing the transmit power of the base station, e.g., increasing the transmit power level for the data transmitted to mobile terminals with a bad channel quality. Link adaptation may also be accomplished by changing the type of modulation and amount of channel coding applied to the data to be transmitted by the base station. Moreover, link adaptation may also be performed in the uplink by the mobile terminal (col. 2, lines 24-36)”.

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have incorporated the process of modifying one or more signal transmission parameters to compensate for channel quality variations is sometimes referred to as link adaptation”, where “link” refers to radio link between a base station and a mobile terminal. Link adaptation may be accomplished by changing the transmit power of the base station, e.g., increasing the transmit power level for the data transmitted to mobile terminals with a bad channel quality. Link adaptation may also be accomplished by changing the type of modulation and amount of channel coding applied to the data to be transmitted by the base station. Moreover, link adaptation may also be performed in the uplink by the mobile terminal as taught by Parkvall in the

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method and system of Zhang to increasing productivity and reduce latency while reduce the overhead cost in terms of bandwidth and hardware.

3. As per claim 28 Zhang-Parkvall disclosed method for receiving content broadcast from a server, comprising: receiving content, and a plurality of pieces of program configuration information associated with respective bands, the plurality of pieces of the program configuration information including a screen arrangement of the content and selecting program configuration information that is associated with an appropriate transmission band, from the plurality of pieces of program configuration information based on a transmission condition (Parkvall, col. 3, lines 16-35).

4. As per claim 29 Zhang-Parkvall disclosed wherein the selecting comprises selecting program configuration information corresponding to a higher priority based on the transmission condition (Parkvall, col. 3, lines 49-54).

5. As per claim 30 Zhang-Parkvall disclosed wherein the selecting comprises selecting program configuration information corresponding to a higher bit rate based on the transmission condition (Zhang, Page. 3, Paragraph. 0040).

6. As per claims 31,34,38 Zhang-Parkvall disclosed a method for broadcasting

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content from server to a plurality of mobile terminals, the method comprising: storing content and a plurality of pieces of program configuration information, the program configuration information including a screen arrangement of the content; broadcasting the content and the plurality of pieces of program configuration information to a plurality of mobile terminals (Parkvall, col. 2, lines 24-36); receiving, the content and the plurality of pieces of program configuration information associated with respective transmission bands; and selecting, each mobile terminal, program configuration information that is associated with an appropriate transmission band, from the plurality of pieces of program configuration information based on a transmission condition (Zhang, Page. 3, Paragraph. 0039).

7. As per claims 32,36,39 Zhang-Parkvall disclosed wherein the selecting comprises selecting program configuration information corresponding to a higher priority based on the transmission condition (Zhang, Page. 4, Paragraph. 0045)

8. As per claims 33,37,40 Zhang-Parkvall disclosed wherein the selecting comprises selecting program configuration information corresponding to a higher bit rate based on the transmission condition (Zhang, Page. 3, Paragraph. 0040).

Response to Arguments

9. Applicant's arguments with respect to claims 27-40 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (571)-272-3885.

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12. The examiner can normally be reached on Monday to Friday during normal business hours. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SRIVASTAVA VIVEK can be reached on (571)-272-7304. The fax for this group is (703)-746-7239. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866)-217-9197 (toll-free).

/Adnan M Mirza/

Examiner, Art Unit 2445

/VIVEK SRIVASTAVA/

Supervisory Patent Examiner, Art Unit 2445